

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
Case No.: 1:23-CV-00270-MR-WCM**

MACKENZIE ELAINE BROWN,)	
)	
)	
Plaintiff,)	
)	Motion to Dismiss
v.)	
)	
HENDERSON COUNTY)	
SHERIFF'S OFFICE, et al.,)	
)	
)	
Defendants.)	

NOW COME Defendants Susan N. Oates, Magistrate Judge for Judicial District 29B, in her individual and official capacity, and Emily Greene Cowan, former District Court Judge for Judicial District 29B, in her individual and official capacity (Judicial Defendants), by and through their undersigned counsel, to hereby move the Court pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure to dismiss this action. In support of this motion, Magistrate Oates and Judge Cowan rely on the legal authority and arguments set forth in the supporting brief being contemporaneously files herewith.

Respectfully submitted this the 1st day of December, 2023.

JOSHUA H. STEIN
Attorney General

/s/Elizabeth Curran O'Brien
Special Deputy Attorney General
N.C. Department of Justice
P.O. Box 629
Raleigh, NC 27602-0629
Telephone: (919) 716-6800
Fax: (919) 716-6755
eobrien@ncdoj.gov
State Bar No. 28885
*Counsel for Defendants Oates &
Cowan*

CERTIFICATE OF SERVICE

This is to certify that the undersigned has this day electronically filed the foregoing **MOTION TO DISMISS** using the CM/ECF system, which will send notification of such filing to all the counsel of record for the parties who participate in the CM/ECF system and addressed and mailed via U.S.P.S. to the following individual:

Mackenzie Elaine Brown
158 Haven Road
East Flat Rock, NC 28726
mackenzieb0897@gmail.com
Pro Se Plaintiff

This the 1st day of December, 2023.

/s/ Elizabeth Curran O'Brien
Elizabeth Curran O'Brien
Special Deputy Attorney General
N.C. Department of Justice